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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/996,430	11/20/2001	Jason T. Murar	VEI 0374 PUS	2802

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EXAMINER

HARAN, JOHN T

ART UNIT	PAPER NUMBER
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1733

DATE MAILED: 02/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<p align="center">Office Action Summary</p>	Application No. 09/996,430	Applicant(s) MURAR ET AL.	
	Examiner John T. Haran	Art Unit 1733	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 December 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 5-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 5-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
 * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
 a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Office Action is in response to the amendment and arguments filed on 12/10/04. All previous rejections and objections are withdrawn in light of the amendment.

Information Disclosure Statement

2. The information disclosure statement (IDS) submitted on 11/20/01 is being considered by the examiner.

Specification

3. The disclosure is objected to because of the following informalities: on page 9, the specification incorporates by reference a previously mentioned application, which appears to be U.S. Patent 6,251,202. It is suggested to amend the specification to specifically refer to the patent on page 9.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

4. Claims 8 and 12-13 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claim 8 constitutes new matter because there is no teaching in the specification of using a staking apparatus when the infrared absorbing material is a heat activated

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adhesive. Applicant discloses that the infrared absorbing material can be in the form of stakes or heat activated adhesive (Specification bottom of page 8). The specification is mainly devoted to a description of the apparatus used for bonding the front panel to a back plate with infrared absorbing stakes wherein the apparatus includes a staking apparatus with pistons (See Figures). The specification mentions that alternatively heat activated adhesive can be placed between the back plate and front panel and that the associated apparatus for bonding the two together with heat activated adhesive is taught in U.S. Patent 6,251,202 which is incorporated by reference. U.S. Patent 6,251,202 provides no description or support of having a staking apparatus in a system for bonding two parts together with a heat activated adhesive placed in between the two parts. One of ordinary skill in the art, reading the specification as a whole, would not have appreciated that applicant had possession of a system for bonding a front panel to a back plate with heat activated adhesive in between that includes a staking apparatus, at the time the application was filed.

Claim 12 constitutes new matter by requiring that the infrared radiation from the infrared lamps propagate through the back plate. As illustrated in the figures when the system includes a staking apparatus the infrared lamps direct the infrared radiation at the stakes (infrared absorbing material) and not at the back plate. Infrared radiation would only be directed at the back plate if the infrared absorbing material was a heat activated adhesive placed between the back plate and the front panel and as noted above the specification does not provide support for combining having a staking apparatus and heat activated adhesive. One of ordinary skill in the art, reading the

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specification as a whole, would not have appreciated that applicant had possession of a system for bonding a front panel to a back plate wherein the infrared radiation from the infrared lamps propagates through the back plate, at the time the application was filed.

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 8 and 12-13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 8 and 12-13 appear to be directed to the embodiment wherein the front panel and back plate are bonded together with heat activated adhesive place in between the two and it is unclear why a system for bonding in this manner would need a staking apparatus. It is unclear what purpose a staking apparatus serves because there is no need to stake the heat activated adhesive.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 5-7 and 9-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lanser (U.S. Patent 6,099,291) in view of Eckhout (U.S. Patent 5,487,557) and

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taken with Grimm (U.S. Patent 5,840,147), Bocchicchio et al (U.S. Patent 4,767,298) and Swartz (U.S. Patent 5,151,149).

Lanser is directed to a heat staking apparatus with an infrared heat source for bonding two plastic pieces together wherein one part has posts or studs that are inserted in similar sized holes in the other part and the stud is heated and then flattened (staked) to bond the parts together. An infrared heat lamp emits infrared radiation that is directed to the plastic posts either by a reflector or through fiber optic cables where the plastic posts absorb the infrared radiation and melt, at which point the staking tool or punch of the staking apparatus is driven by an air cylinder (piston) to flatten the melted plastic stud. The stud is allowed to cool and the parts are connected/bonded together (Column 1, lines 10-18, Column 1, line 45 to Column 2, line 11, and Column 2, lines 25-40). It is noted that Lanser teaches the staking machine having an array of punches for forming multiple heat staked joints (Column 3, lines 53-58).

Lanser is silent towards using the heat staking apparatus and infrared heat source to form an air bag cover assembly, however it is well known and conventional to form air bag cover assemblies by connecting a back plate to a front panel with a switch in between using a heat staking process, as shown for example in Eckhout (Column 3, lines 45-59). Eckhout teaches a heat staking process of heating the stakes with hot air and then pressing them with a cold stake punch (Column 5, lines 30-36). Lanser teaches that its heat staking apparatus is more energy efficient, simple and compact than the apparatus taught in Eckhout (Column 1, lines 28-44). It would have been obvious to one of ordinary skill in the art at the time the invention was made to

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manufacture an air bag cover assembly in the system of Lanser, as suggested in Eckhout.

Lanser teaches that the infrared lamp is powered for a length of time sufficient to heat the stud and to actuate the air cylinder (piston) once the lamp is deenergized and the stud is sufficiently heated (Column 3, lines 10-32), however Lanser is silent towards have a controller coupled to the infrared lamp for controlling the power to ensure the lamp emits radiation for a time sufficient to heat the studs and coupled to linear actuators of the staking apparatus. It is well known and conventional to have a controller to control the heating of plastic studs and movement of the staking punches in a heat staking apparatus, as shown for example in Bocchicchio et al (Column 2, lines 10-14). It is also well known and conventional to control the amount of heat applied to an infrared absorbing material through infrared radiation by having a controller coupled to the source of infrared radiation, as evidenced for example in Swartz (Column 6, lines 7-29). One skilled in the art would have readily appreciated having a controller for controlling the heating of the plastic studs and the movement of the staking punches in the system of Lanser as is well known and conventional in the art in order to ensure adequate heating and pressure and the timing and sequencing of the two. It would have been obvious to one of ordinary skill in the art at the time the invention was made to a controller for controlling the heating of the plastic studs and the movement of the staking punches in the system of Lanser for making an air bag assembly, as is well known and conventional in the art, in order to ensure adequate heating and pressure and the timing and sequencing of the two.

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Lanser is also silent towards having a base with a fixture mounted thereon for receiving and retaining the front panel and back plate. One skilled in the art would have readily appreciated that it is well known and conventional in the bonding art to have fixtures in a base for receiving and retaining parts to be joined together, as shown for example in Grimm. Grimm teaches a base (60) with a fixture (54) mounted thereon for receiving and retaining a plastic piece during assembly and bonding to another plastic piece (See Figure 2; Column 8, lines 14-19). It is noted that the fixture (54) and the shape of the plastic pieces worked upon illustrated in Figure 2 are merely illustrative. One skilled in the art would have readily appreciated that the shape of the fixture (54) for receiving and retaining would depend upon the shape of the plastic worked upon. It would have been obvious to one of ordinary skill in the art at the time the invention was made to include a base with a fixture mounted thereon for receiving and retaining the front panel and back plate in the system of Lanser, as modified above to have a controller, as is well known and conventional in the art as suggested in Grimm in order to retain the front panel and back plate during the bonding process.

Regarding claim 12, one skilled in the art would have readily appreciated that some of the infrared radiation would have struck the back plate.

Response to Arguments

9. Applicant's arguments with respect to claims 5-13 have been considered but are moot in view of the new ground(s) of rejection.

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Conclusion

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

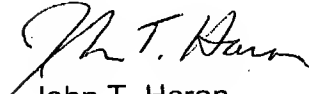
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.


11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **John T. Haran** whose telephone number is **(571) 272-1217**. The examiner can normally be reached on M-Th (8 - 5) and alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Crispino can be reached on (571) 272-1226. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.


John T. Haran


JEFF H. AFTERGUT
PRIMARY EXAMINER
GROUP 1300